

154 FERC ¶ 61,205  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

March 17, 2016

In Reply Refer To:  
Public Service Company of Colorado  
Docket Nos. ER15-266-000  
ER15-266-001

Jones Day  
51 Louisiana Avenue, NW  
Washington, DC 20001

Attn: James C. Beh, Esq.  
Attorney for Public Service Company of Colorado

Dear Mr. Beh:

1. On December 31, 2015, you filed a settlement agreement (Settlement) in the above-referenced proceeding on behalf of Public Service Company of Colorado (PSCo) and all parties. The Settlement is between PSCo and its customers Holy Cross Electric Association, Inc., Intermountain Rural Electric Association, Tri-State Generation and Transmission Association, Inc., and Yampa Valley Electric Association, Inc. (Settling Parties). The Settlement addresses issues related to updated transmission and distribution loss factors applicable to the PSCo system under the Xcel Energy Operating Companies Open Access Transmission Tariff.
2. On January 20, 2016, Commission Trial Staff filed comments supporting the Settlement. No other comments were filed. On February 3, 2016, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.<sup>1</sup>
3. With respect to the standard of review for changes to the Settlement, Section IV of the Settlement provides that

[a]bsent the mutual agreement of the Settling Parties to a proposed change to the Settlement, the standard of review for unilateral changes to this Settlement proposed by a Settling Party shall be the “public interest”

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<sup>1</sup> *Pub. Serv. Co. of Colorado*, 154 FERC ¶ 63,010 (2016).

standard set forth in *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956); *Fed. Power Comm'n v. Sierra Pac. Power Co.*, 350 U.S. 348 (1956); *Morgan Stanley Capital Grp. Inc. v. Pub. Util. Dist. No. 1 of Snohomish Cty.*, 554 U.S. 527 (2008); and *NRG Power Mktg., LLC v. Maine Pub. Utils. Comm'n*, 558 U.S. 165 (2010), and the standard of review for any changes proposed by a non-Party, or the Commission acting *sua sponte*, shall be the ordinary just and reasonable standard of review, not the public interest standard of review, *Devon Power LLC*, 134 FERC ¶ 61,208 at P 10 (2011), *reh'g denied*, 137 FERC ¶ 61,073 (2011), *review dismissed in part and denied in part sub nom. New England Power Generators Ass'n v. FERC*, 707 F.3d 364 (D.C. Cir. 2012). However, for avoidance of doubt, after Commission acceptance of this Settlement, any filing made pursuant to Section 205 or 206 that is not barred or otherwise restricted by the terms of this Settlement shall constitute a new filing subject to the ordinary just and reasonable standard of review, not the public interest standard of review.

4. The Settlement resolves all issues in dispute in this proceeding. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. Refunds and adjustments shall be made pursuant to the Settlement.

5. PSCo is directed to file revised tariff records in eTariff format,<sup>2</sup> consistent with the timing set forth in the Settlement, to reflect the Commission's action in this order.

6. This letter order terminates Docket Nos. ER15-266-000 and ER15-266-001.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>2</sup> See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).